



Nevada State Board of Medical Examiners

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OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

TUESDAY, JUNE 4, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D., Secretary-Treasurer
Donald H. Baepler, Ph.D., D.Sc.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER PRESENT BY TELEPHONE:

Robin L. Titus, M.D.

MEMBER ABSENT:

Joel N. Lubritz, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel

AGENDA ITEM 1

Call to Order and Announcements - Cheryl A. Hug-English, M.D., President

President, at 4:30 p.m.

The meeting was called to order by Cheryl A. Hug-English,

AGENDA ITEM 2

Consideration of Petition by Kenny C. Guinn to Designate Clark County as Underserved in Obstetrics/Gynecology Pursuant to NRS 630.164 and to Waive the Requirement of NRS 630.160(2)(d) to Allow Physicians with One Year of Postgraduate Training to be Licensed to Practice Obstetrics/Gynecology in Clark County

Marybel Batjer, Chief of Staff to the Governor, appeared before the board. She spoke on the medical liability insurance problem which is causing Obstetrics/Gynecology physicians to leave Las Vegas for practice elsewhere and ultimately creating a hardship for pregnant mothers in the area. She requested that the board consider designating Las Vegas as underserved and waiving the requirement for licensure of three years of progressive postgraduate training in order to be prepared for any future crisis in availability of Obstetrics/Gynecology care.

Mike Willden, Director, Department of Human Resources, appeared before the board. He advised that his department insures 34 to 40% of all births in the state and runs programs such as "Baby Your Baby." He stated that the ability to connect a patient with an Obstetrics/Gynecology physician is diminishing rapidly, as these physicians are dropping from the programs with only 31 now participating when, at one time, 71 were enrolled in the programs.

Yvonne Sylva, Administrator, State Health Division, appeared before the board. She advised that a similar situation occurred in the early 1990's, when a shortage of Obstetrics/Gynecology physicians caused the infant mortality rate to jump to 9.1%. She stated that the programs, such as "Baby Your Baby," have helped to bring that rate down to a current 5.2%. She urged the board to seriously consider the Governor's petition.

Dr. Montoya spoke on behalf of the Obstetrics/Gynecology physicians in Las Vegas, stating that he is shocked that the Governor wants the standards lowered, as physicians without proper training would endanger the health of their patients. He added that undertrained physicians would be unable to obtain hospital privileges. He recommended that the Governor consider putting together a tort reform package as a viable solution to the matter.

Dr. Baepler stated that the board supports the Governor and is not taking an adversarial position regarding this issue. He added that the board cares about the citizens of Nevada. He advised that the board is a leader in the nation for its Medical Practice Act and is proud that other states are currently striving to come up to its standards regarding their licensing educational requirements. He stated that the board is willing to cooperate with the Governor in any positive way, as long as the integrity of the medical community is not adversely affected.

Dr. Stewart stated that pre-natal care is vital to the health of an unborn child and a mother in her first trimester needs to have access to such care, and, therein, lies the problem. He stated that he feels the crisis is due to a lack of access to physicians and not due to the board's licensing laws. He added that even if the board granted the Governor's petition, the situation would not be resolved as he doesn't believe that physicians who don't meet the licensure requirements would want to come to Nevada and take the risk of practicing in a specialty for which they are not properly trained.

Dr. Titus advised that she practices medicine in rural Nevada and when her community has become underserved in pre-natal care, lowering standards has never been and would never be considered as a solution or option.

Mr. Legarza gave his opinion that a letter from the board to the Clark County Board of Commissioners should be written requesting that they present data to assist the board in making its underserved determination. He added that once such data is received, the board could then proceed to make a more educated consideration of the Governor's petition.

Ms. Batjer stated that the Governor is proud of Nevada's Medical Practice Act, would never want licensing educational standards to be lowered and does not want the board to license any unqualified physicians. She added that the Governor has already taken action to help relieve the situation by offering special malpractice insurance to Obstetrics/Gynecology physicians to entice them to remain in Nevada. She stated that the Governor wants to take every precaution to prevent a crisis.

Dr. Hug-English stated that the board recognizes the complexity and seriousness of this matter and wants to be as helpful as possible within its statutory guidelines. She thanked those who appeared before the board for their input and for taking the time to come to the meeting.

Dr. Baepler moved to direct Mr. Legarza to draft a letter to the Clark County Board of Commissioners requesting its presentation of data to the Nevada State Board of Medical Examiners to assist with the board's determination as to whether or not Clark County is underserved in Obstetrics/Gynecology per NRS 630.164. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Legarza presented a draft letter to the Clark County Board of Commissioners, which draft letter he had prepared in advance of the meeting. After some discussion of the contents of the draft letter, Dr. Hug-English directed Mr. Legarza to amend the draft letter to include suggestions made during the board's discussion. She directed Mr. Legarza to forward copies of the amended draft letter to all board members for final approval prior to mailing it to the Clark County Board of Commissioners.

AGENDA ITEM 3

Consideration of Approval of Cases Recommended for Closure by the Investigative Committee

Dr. Stewart advised that the board approved the cases recommended for closure by the Investigative Committee at the board's regularly scheduled meeting on May 31, 2002.

AGENDA ITEM 4

Consideration of Request by St. Rose Dominican Hospital for Approval of Practitioner of Respiratory Care Training Program Per NRS 630.047(1)(e) and (f)(1)

Mr. Lessly advised that per NRS 630.047(1)(e) and (f)(1), the board is required to approve practitioner of respiratory care training programs.

Dr. Stewart moved to approve the practitioner of respiratory care training program as requested by St. Rose Dominican Hospital, per NRS 630.047(1)(e) and (f)(1). Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 5

Consideration of Acceptance of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Janice A. McDonald, M.D., Case No. 01-10298-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

All adjudicating members were present for this agenda item except Dr. Lubritz, who was absent from the meeting.

Dr. Titus disconnected from the meeting at 5:20 p.m., as she was not a participant in the adjudication of this matter.

Mr. Legarza reviewed for the adjudicating members the counts contained in the complaint and the points of the stipulation for settlement in the matter of the Nevada State Board of Medical Examiners vs. Janice A. McDonald, M.D., Case No. 01-10298-1.

Dr. Montoya moved to accept the stipulation for settlement in the matter of the Nevada State Board of Medical Examiners vs. Janice A. McDonald, M.D., Case No. 01-10298-1. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6
Matters for Future Agenda

There was no discussion under this agenda item.

AGENDA ITEM 7

There was no public comment.

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 5:25 p.m.